

111TH CONGRESS  
1ST SESSION

# H. R. 900

To establish procedures for causes and claims relating to the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. SHADEGG (for himself, Mrs. BLACKBURN, Mr. KINGSTON, Mr. CARTER, Mr. HERGER, Mrs. MCMORRIS RODGERS, Mr. RADANOVICH, Mr. McCOTTER, Mr. BARRETT of South Carolina, Ms. FOXX, Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. MILLER of Florida, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish procedures for causes and claims relating to the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. STATEMENT OF CONSTITUTIONAL AUTHORITY.**

4       Congress enacts this Act pursuant to its authority  
5       under—

1           (1) article I of the Constitution, to regulate  
2       commerce;

3           (2) article I of the Constitution, to make all  
4       laws necessary and proper to carry into execution  
5       the other powers of Congress and other powers vest-  
6       ed by the Constitution in the Government of the  
7       United States and its officers and departments;

8           (3) article III of the Constitution, to define and  
9       regulate the jurisdiction of Federal courts; and

10          (4) article IV of the Constitution, to make  
11       needful regulations respecting the territory or other  
12       property of the United States.

13 **SEC. 2. FINDINGS.**

14       Congress finds that—

15          (1) the United States spends over \$1 billion per  
16       day to import crude oil from foreign countries;

17          (2) such expenditure represents the largest  
18       wealth transfer in history;

19          (3) environmental groups have legally chal-  
20       lenged every lease in the Alaskan Outer Continental  
21       Shelf in the Chukchi and Beaufort Seas;

22          (4) environmental groups have legally chal-  
23       lenged the entire 2007–2012 5-year national Outer  
24       Continental Shelf leasing program;

1           (5) such legal challenges significantly delay or  
2           ultimately prevent energy resources from reaching  
3           the American public;

4           (6) these legal challenges come at a high cost  
5           to the American public and the American economy;  
6           and

7           (7) Congress finds that expedited judicial re-  
8           view is necessary to prevent this gross abuse of the  
9           United States judicial system.

10 **SEC. 3. EXCLUSIVE JURISDICTION OVER CAUSES AND**  
11 **CLAIMS RELATING TO COVERED ENERGY**  
12 **PROJECTS.**

13       Notwithstanding any other provision of law, the  
14       United States District Court for the District of Columbia  
15       shall have exclusive jurisdiction to hear all causes and  
16       claims under this Act or any other Act that arise from  
17       any covered energy project.

18 **SEC. 4. TIME FOR FILING COMPLAINT.**

19       All causes and claims referred to in section 3 must  
20       be filed not later than the end of the 60-day period begin-  
21       ning on the date of the action or decision by a Federal  
22       official that constitutes the covered energy project con-  
23       cerned. Any cause or claim not filed within that time pe-  
24       riod shall be barred.

1 **SEC. 5. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

2 **DEADLINE.**

3 (a) IN GENERAL.—All proceedings that are subject  
4 to section 3—

5 (1) shall be resolved as expeditiously as pos-  
6 sible, and in any event not more than 180 days after  
7 such cause or claim is filed; and

8 (2) shall take precedence over all other pending  
9 matters before the district court.

10 (b) FAILURE TO COMPLY WITH DEADLINE.—If an  
11 interlocutory or final judgment, decree, or order has not  
12 been issued by the district court by the deadline described  
13 under this section, the cause or claim shall be dismissed  
14 with prejudice and all rights relating to such cause or  
15 claim shall be terminated.

16 **SEC. 6. ABILITY TO SEEK APPELLATE REVIEW.**

17 An interlocutory or final judgment, decree, or order  
18 of the district court may be reviewed by no other court  
19 except the Supreme Court.

20 **SEC. 7. DEADLINE FOR APPEAL TO THE SUPREME COURT.**

21 If a writ of certiorari has been granted by the Su-  
22 preme Court pursuant to section 6, then—

23 (1) the interlocutory or final judgment, decree,  
24 or order of the district court shall be resolved as ex-  
25 peditiously as possible and in any event not more  
26 than 180 days after such interlocutory or final judg-

1       ment, decree, order of the district court is issued;  
2       and

3               (2) all such proceedings shall take precedence  
4       over all other matters then before the Supreme  
5       Court.

6 **SEC. 8. COVERED ENERGY PROJECT DEFINED.**

7       In this Act, the term “covered energy project” means  
8 any action or decision by a Federal official regarding—

9               (1) the leasing of Federal lands (including sub-  
10 merged lands) for the exploration, development, pro-  
11 duction, processing, or transmission of oil, natural  
12 gas, or any other source or form of energy, including  
13 actions and decisions regarding the selection or of-  
14 fering of Federal lands for such leasing; or

15              (2) any action under such a lease.

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